REMARKS

Claims 1-15 are all the claims pending in the application.

Preliminary Matters

Applicant thanks the Examiner for initialing and returning the Form PTO/SB/08 submitted with the Information Disclosure Statement filed on August 15, 2008.

Claim Rejections - 35 U.S.C. § 101

Claims 6-12 are rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant respectfully traverses the rejection.

Claims 6-9

In the Office Action, the Examiner's position is based on the assertion that claim 6 is not tied to another statutory category that accomplishes the claimed method steps. *See* Office Action, p. 2.

However, Applicant respectfully submits, in an exemplary embodiment of the present invention, the method of claim 6 is performed by a metadata management device, i.e., a "playback device" such as a CD player and a DVD player, as illustrated in FIGS. 1 and 2. Accordingly, claim 6 is sufficiently tied to a statutory category of subject matter.

Further, claim 6 recites, *inter alia*, "displaying the metadata for the specific audio content according to the set priorities." As illustrated in the exemplary embodiments illustrated in FIG. 3, the metadata are displayed on a display of a "playback device." Accordingly, claim 6 is further tied to a statutory category of subject matter.

As a result, Applicant respectfully submits that claim 6 and its dependent claims satisfy 35 U.S.C. § 101 for at least these reasons.

Claims 10-12

Claim 10 recites subject matter similar to that discussed above regarding claim 6. Specifically, in an exemplary embodiment, the method of claim 10 is performed by a "playback device." Moreover, claim 10 also recites, *inter alia*, "reading the selected meta data" and "displaying the read meta data," which further tie claim 10 to a statutory category of subject matter.

Accordingly, Applicant respectfully submits that claim 10 and its dependent claims also satisfy 35 U.S.C. § 101 for at least these reasons.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 2, 6, 7, 9, 10, and 12 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ward in view of Abajian (U.S. Pub. 2002/0099731, hereinafter "Abajian"). Applicant respectfully traverses the rejection.

Claim 1

In the Office Action, the Examiner asserts that the combination of Ward and Abajian allegedly teaches "priorities are assigned to attributes of metadata of the audio contents according to characteristics of the audio contents." *See* Office Action, pp. 3-4.

However, the combination of Ward and Abajian neither teaches nor suggests "priorities are assigned to attributes of metadata of the audio contents." This is because neither Ward nor Abajian, taken alone or in combination, discloses prioritizing attributes of metadata of audio content.

Instead, Ward is directed to creating a dynamic playlist of content based on user metadata. *See* Ward, col. 1, ll. 57-61. The content in the playlist is ranked according to the user metadata. *See* Ward, col. 2, ll. 40-45. That is to say, Ward merely arranges audio content based

on user preferences, but there is no teaching or suggestion that attributes of the respective audio content in the playlist are prioritized in any fashion.

Abajian is directed to an automated media search tool. *See* Abajian, ¶ 8. When a media file is located, metadata associated with the media file is extracted from databases. *See* Abajian, ¶ 31. For example, fields such as composer, title, and album name may be associated with the media file, and missing metadata is obtained from the databases. *See* Abajian, ¶ 32. A stream object that contains the media file and the metadata may be placed in a queue. *See* Abajian, ¶¶ 38, 40-41. Accordingly, at best, Abajian identifies and extracts attributes of metadata, but there is no teaching or suggestion that the extracted attributes are prioritized in any fashion. Rather, the attributes are merely associated with the media file and packaged as an object.

As a result, even if Ward and Abajian could have somehow been combined, the combination still fails to teach or suggest "priorities are assigned to attributes of metadata of the audio contents" since neither Ward nor Abajian contemplates prioritizing the attributes of the metadata of the respective audio contents or media files. At best, the combination describes attributes of metadata and ordering media content, that have the metadata, but the combination does not prioritize the attributes of the metadata in any way.

Therefore, the combination of Ward and Abajian fails to teach or suggest "priorities are assigned to attributes of metadata of the audio contents according to characteristics of the audio contents," and hence claim 1 and its dependent claims would not have been rendered unpatentable by the combination of Ward and Abajian for at least these reasons.

Independent claims 6 and 10 recite features similar to those discussed above regarding claim 1, and hence claims 6, 10, and their dependent claims also would not have been rendered unpatentable by the combination of Ward and Abajian for at least analogous reasons.

Claim 2

In the Office Action, the Examiner asserts that the combination of Ward and Abajian allegedly teaches "the read metadata are displayed according to the set priorities for the attributes of the metadata." However, the Examiner does not explicitly identify any particular portions of Ward and Abajian for allegedly teaching the display of metadata. *See* Office Action, pp. 3-4.

Applicant respectfully submits the combination of Ward and Abajian neither teaches nor suggests "the read metadata are displayed according to the set priorities for the attributes of the metadata." This is because neither Ward nor Abajian discloses displaying metadata. At best, Ward describes generating a dynamic playlist of content, but there is no disclosure as to how, if at all, that playlist is displayed. Abajian is merely concerned with searching for metadata in a plurality of databases and does not contemplate displaying metadata.

Accordingly, the combination of Ward and Abajian fails to teach or suggest "the read metadata are displayed according to the set priorities for the attributes of the metadata," and hence claim 2 would not have been rendered unpatentable by the combination of Ward and Abajian for at least these additional reasons.

Claim 7

In the Office Action, the Examiner asserts that the combination of Ward and Abajian allegedly teaches "the priorities of the attributes of the metadata are assigned based on the genre of the audio contents." *See* Office Action, pp. 3-4.

However, the combination of Ward and Abajian neither teaches nor suggests "the priorities of the attributes of the metadata are assigned based on the genre of the audio contents." This is because neither Ward nor Abajian discloses prioritizing attributes of metadata based on the genre of associated content. Rather, Ward merely discloses sorting content based on user preferences and Abajian merely discloses that "Music Genre" may be one field of metadata associated with a song. *See* Abajian, ¶ 32, ll. 8-12. However, there is no teaching or suggestion that attributes of metadata associated with a song are prioritized based on the genre of the content.

Accordingly, the combination of Ward and Abajian fails to teach or suggest "the priorities of the attributes of the metadata are assigned based on the genre of the audio contents," and hence claim 7 would not have been rendered unpatentable by the combination of Ward and Abajian for at least these additional reasons.

Claims 3, 4, and 11 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ward in view of Abajian as applied to claims 1, 2, 6, 9, 10, and 12, and further in view of Tsuk et al. (U.S. Patent 7,312,785, hereinafter "Tsuk"). Applicant respectfully traverses the rejection.

Claims 3 and 4, and 11 depend on claims 1 and 10, respectively, and incorporate all the features of claims 1 and 10. Even if Ward and Abajian could have somehow been modified based on Tsuk, as the Examiner asserts in the Office Action, the combination would still not contain all the features in claims 1 and 10, and hence claims 3, 4, and 11, as discussed above. Accordingly, claims 3, 4, and 11 would not have been rendered unpatentable by the combination of Ward, Abajian, and Tsuk.

Claims 5 and 8 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ward in view of Abajian as applied to claims 1, 2 and 6, and further in view of Tojo et al. (WO 02/098130, hereinafter "Tojo"). Applicant respectfully traverses the rejection.

Claims 5 and 8 depend on claims 1 and 6, respectively, and incorporate all the features of claims 1 and 6. Even if Ward and Abajian could have somehow been modified based on Tojo, as the Examiner asserts in the Office Action, the combination would still not contain all the features in claims 1 and 6, and hence claims 5 and 8, as discussed above. Accordingly, the combination of Ward, Abajian, and Tojo would not have rendered claims 5 and 8 unpatentable.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/ Christopher J. Bezak /

Christopher J. Bezak
Registration No. 63,241

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860
WASHINGTON OFFICE
23373
CUSTOMER NUMBER

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